

Womack Amendment No. 1 to SB2425 SENATE EDUCATION COMMITTEE

FILED

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Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND

Senate Bill No. 2425*

House Bill No. 3149

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by deleting the language after the enacting clause in its entirety and substituting, instead, the following:

Section 1. Tennessee Code Annotated, Section 49-6-3007, is amended by adding the following new subsection:

(h)(1) A local education agency may enter into an agreement with its local law enforcement agency for the purpose of enforcing compulsory attendance under this section. If such an agreement is entered into, then it shall be the duty of the principal or teacher of every public school to report promptly to the superintendent, or the superintendent's designated representative, the names of all children who have been absent two (2) days (this means an aggregate of two (2) days during the school year and not necessarily two (2) consecutive days) without adequate excuse and shall continue to report each subsequent absence without adequate excuse.

(2) Such superintendent shall thereupon serve, or cause to be served, upon the parent, guardian or other person in Tennessee in parental relation to such children unlawfully absent from school, written notice that attendance of such children at school is required, and of the provisions of this subsection (h).

(3) Under the provisions of such an agreement, and for purposes of this section and Tennessee Code Annotated, Section 37-1-102(b)(23)(A)(i), a student

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who has been absent an aggregate three (3) days without adequate excuse, may be deemed habitually truant.

(4) The superintendent or superintendent's representative may issue a list of such "truant" students to the local law enforcement agency for the purpose of allowing the law enforcement agency to take such student into temporary custody when such student is found away from the school premises during school hours, in a public place, in any public or private conveyance, or in any public place of business open to the public, without adequate excuse, unless accompanied by a parent, foster parent or legal guardian. The agreement shall further specify that the law enforcement officer's sole function shall be to deliver the child to:

(A) The parent, foster parent, legal guardian, or other person having control or custody of the child;

(B) The principal of the school in which the child is enrolled;

(C) A truancy center established by the local education agency;

or

(D) The juvenile court, if there has been a local interagency agreement entered into by the juvenile court and the local law enforcement agency.

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(5) The powers conferred under such agreements may be exercised without warrant and without subsequent legal proceedings.

(6) The provisions of this subsection (h) shall not apply to students enrolled in home or non-public schools in accordance with the provisions of Sections 49-6-3050 or 49-50-801.

(7) Local education agency officials shall be allowed to release student record information to local law enforcement agencies and to juvenile justice system officials to assist such officials in effectively serving the student whose record is released. Officials and authorities receiving such information shall not disclose the information to any other party without prior written consent of the parent.

(8) The provisions of this subsection (h) shall apply only in counties with a charter form of government and populations of four hundred thousand (400,000) or more, according to the 1990 federal census or any subsequent federal census.